

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL NO. 5:12CV008-RLV-DSC**

MARY E. RAY,)
Plaintiff,)
)
vs.)
)
MICHAEL J. ASTRUE,)
Commissioner of Social)
Security Administration,)
Defendant.)
_____)

ORDER

THIS MATTER is before the Court sua sponte upon review of Plaintiff's "Motion for Summary Judgment" and "Brief in Support ..." (both document #8) filed June 22, 2012; and Defendant's "Motion For Summary Judgment" (document #13) and "Memorandum in Support of the Commissioner's Decision" (document #14), both filed October 1, 2012.

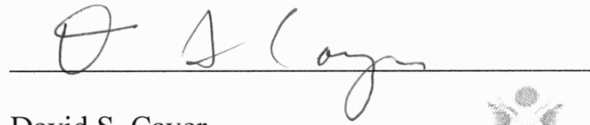
The Court **ORDERS** the parties to submit Supplemental Briefs on or before November 2, 2012.

The Supplemental Briefs shall be confined to the issues of the standard of review applied by the Appeals Council, and whether under that standard of review the Appeal Council's subsequent consideration could "render[] harmless the ALJ's misstatement" concerning Plaintiff's mental health treatment. Defendant's "Memorandum in Support of the Commissioner's Decision" at 12-13 (document #14). See also Defendant's Memorandum at 2, n. 2.

The Clerk is directed to send copies of this Order to counsel for the parties; and to the Honorable Richard L. Voorhees.

SO ORDERED.

Signed: October 2, 2012

A handwritten signature in black ink, appearing to read "D S Cayer", is written over a horizontal line.

David S. Cayer
United States Magistrate Judge

